



Senate Republican Caucus Study:

Improving Washington's Jobs & Business Climate

Competitiveness Measures Approved by Senate, 2/27/02

- ❖ Senate Bill 6252 limits agency rule-making authority to times when the Legislature has issued a specific grant of authority.
 - **Sponsored by:** West (R); Hale (R); Honeyford (R); Zarelli (R); Morton (R); Parlette (R); Hochstatter (R); Hewitt (R); T. Sheldon (D); Johnson (R); Horn (R); Finkbeiner (R); Oke (R); and Benton (R)
 - **Corresponding Competitiveness Council Recommendation:** In some circumstances, too much discretion is given government agencies—not enough bright line rules. (Competitiveness Council Final Report, 12/01, p. 16)
 - **Passed Senate:** 25-23-1
- 1. Senate Bill 6749 eliminates the current burden on a petitioner of demonstrating the invalidity of the agency action. It also allows a citizen to challenge rules in the county where the affected property/business is located or Thurston County instead of forcing them to go to court in Thurston County.
 - **Sponsored by:** West (R); Hale (R); Honeyford (R); Johnson (R); Hewitt (R); Zarelli (R); Gardner (D); Sheahan (R); Rasmussen (D); Prentice (D); Winsley (R); Fairley (D); Shin (D); Kastama (D); Swecker (R); Snyder (D); and Rossi (R)
 - **Corresponding Competitiveness Council Recommendation:** Amend the APA [Administrative Procedures Act] by removing the provision placing the burden of proving invalidity on the challenging party. Permit a request for declaratory judgment on the validity of an agency rule to be filed in any county in the state, rather than just Thurston County. (Competitiveness Council Final Report, 12/01, p. 22)
 - **Passed Senate:** 33-16.
- ❖ Senate Bill 6564 requires significant rules to sit through one legislative session before taking effect so they may undergo greater scrutiny. Hale added an amendment on the floor to require agencies to notify businesses when they adopt significant rules so businesses can comply before they are fined for being out of compliance.
 - **Sponsored by:** Hale (R); Rasmussen (D); Hewitt (R); Haugen (D); Oke (R); T. Sheldon (D); Honeyford (R); Morton (R); Sheahan (R); Zarelli (R); Deccio (R); Rossi (R); Horn (R); Benton (R); Hochstatter (R); Swecker (R); McCaslin (R); West (R); and Parlette (R)
 - **Corresponding Competitiveness Council Recommendation:** Too many different sets of rules and regulations. Policy/program arm of agencies try to change rules during individual permit processes. (Competitiveness Council Final Report, 12/01, p. 16)
 - **Passed Senate:** 31-16.
- ❖ Senate Bill 6251 requires the governor to approve all agency rules.
 - **Sponsored by:** West (R); Hale (R); Honeyford (R); Zarelli (R); Morton (R); Parlette (R); Hochstatter (R); Hewitt (R); T. Sheldon (D); Johnson (R); Horn (R); Finkbeiner (R); Oke (R); and Benton (R)
 - **Corresponding Competitiveness Council Recommendation:** Require submission of proposed rules to the governor's office prior to final promulgation. (Competitiveness Council Final Report, 12/01, p. 22)
 - **Passed Senate:** 29-20
- ❖ Senate Bill 6793 changed provisions for expanding public water systems.
 - **Sponsored by:** T. Sheldon (D) and Oke (R)
 - **Corresponding Competitiveness Council Recommendation:** Consolidate permit processes, reduce the number of permits required to complete a project, and improve permit coordination among the agencies. Continue making progress in reforming water law. (Competitiveness Council Final Report, 12/01, p. 22 and 25)
 - **Passed Senate:** 32-17